

REMARKS

Claims 17-24 and 48-78 are pending with claims 17, 48, 55, 62, and 69 being independent. Claims 17, 48, 55, and 62 have been amended. Claims 76-78 have been added.

Claims 48-75 have been withdrawn from consideration as being directed to species that are patentably distinct from the elected invention. In particular, the action states that claims 48-75 are directed to four patentably distinct species as follows:

Species 1 claims 48-54 requires a second insulating film covering the second electrode;
Species 2, claims 55-61 does not require a second semiconductor layer nor a second electrode with overlapping structures;
Species 3, claims 62-68 requires a gate wiring connected to a gate electrode;
Species 4, claims 69-75 requires a gate electrode overlapping the first semiconductor film.

Claims 48-75, as amended, are not directed to inventions that are distinct from the elected invention of claims 17-24. Rather, all of the pending claims are directed to the same elected invention, which is described as embodiment 6 in the specification and illustrated in Figs. 10 and 11. As stated in MPEP §806.03, "Where the claims of an application define the same essential characteristics of a *single* disclosed embodiment of the invention, restriction therebetween should never be required." Accordingly, claims 48-75 should be considered since claims 17-24 and 48-75 are all directed to the same embodiment.

With respect to species 1, claim 48 has been amended to no longer require the second semiconductor film to cover the second electrode, and now recites the same limitations as claim 17 with the exception that claim 48 does not claim a pixel electrode that overlays source wiring. Accordingly, claim 48 is generic to claim 17 and should be considered. Claims 49-54, which depend from claim 48, are directed to the same invention as claim 48.

With respect to species 2, claim 55 recites the same limitations as claim 17 with the exception that claim 55 does not claim a second insulating film, a second electrode, or a pixel electrode that overlays source wiring. Accordingly, claim 55 is generic to claim 17 and should be considered. Claims 56-61, which depend from claim 55, are directed to the same invention as claim 55.

With respect to species 3, claim 62, as amended, recites the same limitations as claim 17 with the additional limitations that the first and second electrodes of claim 17 are recited in claim 62 as being gate and capacitor electrodes, respectively, and the second insulating film is required to cover the capacitor electrode. Accordingly, claim 17 is generic to claim 62, and claim 62 should be considered. Claims 63-68, which depend from claim 62, are directed to the same invention as claim 62.

With respect to species 4, claim 69, as amended, recites the same limitations as claim 17 with the additional limitations that the first and second electrodes of claim 17 are recited in claim 69 as being gate and capacitor electrodes, respectively. Accordingly, claim 17 is generic to claim 69, and claim 69 should be considered. Claims 70-75, which depend from claim 69, are directed to the same invention as claim 69.

For at least these reasons, Applicants respectfully request consideration of claims 48-75.

Independent claim 17 and dependent claims 18-24 have been rejected as being anticipated by Nakazawa (U.S. Patent No. 6, 524,877). Applicants request reconsideration and withdrawal of this rejection because Nakazawa fails to describe or suggest "a gate wiring over the second insulating film, said gate wiring connected to the first electrode" and "a second insulating film covering the first electrode and the source wiring," as recited in amended claim 17.

In Nakazawa, the gate wirings 249 and 250 are not positioned over the first interlayer insulating film 252, the passivation film 261, and the second interlayer insulating film 262, all of which the Examiner equates with the second insulating film. Rather, as shown in Fig. 13 of Nakazawa, the gate wirings 249 and 250 are positioned under the films 252, 261, and 262.

Moreover, the films 252, 261, and 262 together do not cover the gate electrode 116 or 117 (formed by etching conductive layers 114 and 115), which the Examiner apparently equates to the first electrode, and also cover source wirings 253 to 256. Rather, as shown in Fig. 13, film 252 is covered by source wirings 253 to 256.

For at least these reasons, applicants submit that claim 17 is allowable over Nakazawa, as are claims 18-24.

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Applicants submit that all claims are in condition for allowance.

Enclosed is a \$410 check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

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